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JAN 27 2009Grant E. Pollack
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FROM: Grant E. Pollack, Esq.

DATE: January 27, 2009

SERIAL NO.: 10/528,164

NO. OF PAGES (including cover): 15

FILED: March 14, 2005

DOCKET NO.: 1038.1001

PLEASE DELIVER THE FOLLOWING TO:

<u>Name</u>	<u>Firm/Company</u>	<u>Fax No.</u>
Attn: E. Gillis (LIE)	U.S. Patent and Trademark Office	(571) 273-8300

MESSAGE:

Please see attached.

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1038.1001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ravi I. SHARMA
Serial No. : 10/528,164
Filed : March 14, 2005
For : INVERTED KEYBOARD INSTRUMENT
AND METHOD OF PLAYING THE SAME
Group Art Unit : 2837
Examiner : Walter Benson
Confirmation No. : 6495

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1460
Alexandria, VA 22313-1450

Dear Sir:

In response to a Notice Of Non-Compliant Amendment dated January 21, 2009, Applicant submits (i) a Second Supplemental Preliminary Amendment; and (ii) a copy of the Notice Of Non-Compliant Amendment.


Respectfully submitted,

Dated: January 27, 2009

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, (571) 273-8300, on January 27, 2009

Name Grant E. Pollack


Signature


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41226 c 01/21/2009

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Paper No.

Application No.: 10/528,164 	Date Mailed: 01/21/2009
First Named Inventor: Sharma, Ravi,	Examiner: BENSON, WALTER
Attorney Docket No.: 1038.1001	Art Unit: 2837
Confirmation No.: 6495	Filing Date: 07/23/2008

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

PTO-90c (Rev.08-06)

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JAN 27 2009

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 10/528,164		Applicant(s) SHARMA, RAVI	
			Art Unit 2800	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10/27/08 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
 - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

- Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
- Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /EVA GILLIS/ Telephone No: (571)272-1577

Continuation Sheet (PTOL-324)

Application No.10/528,164

Continuation of 4. Other: Claims 1, 5, and 8 (previously presented) should be (original) and claim 46 is missings.